

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ETIENNE L. CHOQUETTE,

Plaintiff,

V.

BERNARD E. WARNER, et al.,

Defendants.

CASE NO. C15-5838 BHS-JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 62. The Court

having considered the R&R and the remaining record, and no objections having been

filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) Defendants' motion to dismiss attacks the second amended complaint (Dkt.

14), which is “non-existent” because Plaintiff filed a third amended complaint (Dkt. 61).

Defendants' motion to dismiss (Dkt. 40) is denied as moot.

Dated this 7th day of December, 2016.



BENJAMIN H. SETTLE
United States District Judge